

### Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Previously Amended) A hair holding device comprising:  
a first body member and a second body member, said first and second body members comprising hair gripping portions;  
hinge means for pivotally connecting said first and second body members; and  
elastomeric means in contact with said first and second body members for biasing said first and second body members only into a closed position and for conforming to gathered strands of a user's hair when said hair gripping portions come into contact with gathered strands of a user's hair.
2. (Original) The hair holding device of claim 1 wherein said elastomeric means comprise at least one finite length elastomeric strand having first and second ends.
3. (Original) The hair holding device of claim 2 further comprising means at said first and second ends for connecting said at least one elastomeric strand to said first and second body members.
4. (Original) The hair holding device of claim 2 further comprising means for permanently connecting said at least one elastomeric strand to said first and second body members.

5. (Original) The hair holding device of claim 2 further comprising means for removably connecting said at least one elastomeric strand to said first and second body members.

6. (Original) The hair holding device of claim 1 wherein said elastomeric means comprise at least one continuous elastomeric band.

7. (Original) The hair holding device of claim 6 further comprising means for permanently connecting said at least one elastomeric band to said first and second body members.

8. (Original) The hair holding device of claim 6 further comprising means for removably connecting said at least one elastomeric band to said first and second body members.

9. (Original) The hair holding device of claim 6 wherein said at least one elastomeric band contacts said first and second body members in a looped configuration.

10. (Original) The hair holding device of claim 6 wherein said at least one elastomeric band contacts said first and second body members in a laced configuration.

11. (Original) The hair holding device of claim 1 wherein said elastomeric means is permanently connected to said first and second members.

12. (Original) The hair holding device of claim 1 wherein said elastomeric means is removably connected to said first and second members.

13. (Original) The hair holding device of claim 1 further comprising additional means for biasing said first and second body members into a closed position.

14. (Original) The hair holding device of claim 13 wherein said additional means for biasing comprise a torsion spring having a first end in contact with said first body member and a second end in contact with said second body member.

15. (Original) The hair holding device of claim 14 wherein said first and second body members further comprise handle portions that are squeezable by a user to separate said hair gripping portions of said first and second body members, and wherein said first end of said torsion spring is in contact with said handle portion of said first body member and said second end of said torsion spring is in contact with said handle portion of said second body member.

16. (Original) The hair holding device of claim 1 wherein said first and second body members further comprise handle portions that are squeezable by a user to separate said hair gripping portions of said first and second body members.

17. (Original) The hair holding device of claim 1 wherein at least one of said first and second body members further comprise fulcrum means for contacting said elastomeric means and for easing opening and closing of said device as said first and second body members are moved between closed and open positions.

18. (Original) The hair holding device of claim 17 wherein fulcrum means comprise at least one protrusion extending from a hinge axis of said hinge means toward said elastomeric means.

19. (Original) The hair holding device of claim 18 wherein said at least one protrusion is at least one connecting lug of said hinge means.

20. (Previously Amended) A method of improving the hair holding capability of a hair holding device, said method comprising the steps of:

selecting a hair holding device comprising first and second pivotally connected body members, said first and second body members comprising hair gripping portions; and

providing elastomeric means in contact with said first and second body members for biasing said first and second body members only into a closed position and for conforming to gathered strands of a user's hair when said hair gripping portions come into contact with gathered strands of a user's hair.

21. (Currently Amended) A hair holding device with an area for receiving gathered hair, comprising: a first body member and a second body member, said first and second body members comprising hair gripping portions; hinge means for pivotally connecting said first and second body members; and elastomeric means disposed at least between said first body member and second body member so as to define an area for receiving gathered hair and so as to bias said first and second body members toward closed position; wherein, while said first and second body members move from ~~any~~ an open position, said elastomeric means moves toward contact with said hair.

22. (Currently Amended) A hair holding device with an area for receiving a ~~user's~~ gathered hair, comprising: a first body member and a second body member, said first and second body members comprising hair gripping portions; hinge means for pivotally connecting said first and second body members; and elastomeric means disposed between said first and second body members so as to bias them into a closed position; wherein an area defined by said elastomeric means and said first and second body members receives ~~the user's~~ gathered hair.

23. (Currently Amended) A hair holding device with an area for receiving a ~~user's~~ gathered hair, comprising: a first body member and a second body member, said first and second body members comprising hair gripping portions that define an area for receiving gathered hair; hinge means for pivotally connecting said first and second body members; and elastomeric means in contact with said first and second body members for biasing said first and second body members into a closed position ~~and for conforming to gathered strands of a user's hair when said hair gripping portions come into contact with gathered strands of a user's hair~~; wherein said elastomeric means intersects the said area for receiving a ~~user's~~ gathered hair, ~~said area defined by said first and second body members.~~

24. (Currently Amended) A hair holding device with an area for receiving gathered hair, comprising: a first body member and a second body member, said first and second body members comprising hair gripping portions; hinge means for pivotally connecting said first and second body members; said hair gripping portions of said first body member and said second body

member defining an area for receiving gathered hair; and elastomeric means in contact with said first and second body members for biasing said first and second body members into a closed position and for conforming to gathered strands of a user's hair when said hair gripping portions come into contact with gathered strands of a user's hair; wherein said elastomeric means serves to reduce the volume of the hair-receiving ~~space~~ area defined by the axial length of said first and second body members.

25. (Currently Amended) A hair holding device comprising: a first body member and a second body member, said first and second body members comprising hair gripping portions; hinge means for pivotally connecting said first and second body members; and elastomeric means in contact with said first and second body members ~~into~~ toward a closed position and for conforming to gathered strands of a user's hair when said hair gripping portions come into contact with gathered strands of a user's hair; wherein said elastomeric means contacts inner surfaces of said first and second body members.

26. (Canceled).

27. (New) A hair holding device with an area for receiving a user's hair, comprising: a first body member and a second body member, said first and second body members comprising hair gripping portions; hinge means for pivotally connecting said first and second body members; and elastomeric means at least disposed between and contacting said first and second body members so as to bias them toward closed position; wherein said

first body member and said second body member abut a first portion of the hair and said elastomeric means abuts a second portion of said hair.

28. (New) A hair holding device with an area for receiving gathered hair, comprising: a first body member and a second body member, said first and second body members comprising hair gripping portions, said hair gripping portions defining an area for receiving gathered hair; hinge means for pivotally connecting said first and second body members; and elastomeric means in contact with said first and second body members for biasing said first and second body members toward a closed position and for conforming to gathered strands of a user's hair when said hair gripping portions come into contact with gathered strands of a user's hair; wherein said elastomeric means passes through the hair-receiving area as limited by the axial length of said first and second body members.

29. (New) A hair holding device for holding a user's gathered hair, said device having hair gripping portions of substantially similar axial length, said device comprising: a first body member and a second body member, said first and second body members comprising hair gripping portions of substantially similar axial length; hinge means for pivotally connecting said first and second body members; and elastomeric means in contact with said first and second body members for biasing said first and second body members only toward a closed position; wherein said axial length of said hair gripping portions runs substantially parallel to the axis of said hinge means; wherein said elastomeric means does not move toward said hinge means and moves substantially toward contacting, between the end-points of

said axial length, said gathered hair as said hair gripping portions move toward a closed position.

30. (New) A hair holding device for holding a user's gathered hair, said device having a first hair gripping portion and a second hair gripping portion of substantially similar axial length, said device comprising: a first body member comprising a handle portion and a hair gripping portion; a second body member comprising a handle portion and a hair gripping portion; a hinge means pivotally connecting said first and second body members; and elastomeric means disposed between and contacting each of said first and second body members for biasing said hair gripping portions only toward a closed position; wherein the hair gripping portion of each of said first body member and said second body member have a substantially similar axial length running substantially parallel to the axis of said hinge means; wherein said elastomeric means does not move toward said hinge means and moves substantially toward contacting, between the end-points of said axial length, said gathered hair as said hair gripping portions move toward a closed position.

31. (New) A hair holding device comprising: a first body member and a second body member, said first and second body members comprising hair gripping portions; hinge means for pivotally connecting said first and second body members; and elastomeric means contacting at least each of said hair gripping portions for biasing said hair gripping members toward a closed position wherein, while said hair gripping portions move from fully open position toward a closed position, said elastomeric means does not move toward said hinge means and moves substantially toward positioning a user's hair between said elastomeric means and



said hair gripping portions; and wherein, while said hair gripping portions move to fully open position, said elastomeric means moves toward abutting said hinge means and does not in whole move past said hinge means.

32. (New) A hair holding device, comprising: a first body member and a second body member, said first and second body members comprising hair gripping portions; hinge means for pivotally connecting said first and second body members; and elastomeric means for biasing said first and second body members toward a closed position; said elastomeric means contacting at least one of said hair gripping portions and a portion of said elastomeric means disposed between inner surfaces of said first and second members; wherein, while said gripping portions move to an open position, said elastomeric means moves toward said hinge means; wherein, while said gripping portions move toward a closed position, said elastomeric means moves relative to said hair gripping portions so as to position a user's hair between said elastomeric means and said gripping portions.